

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JEFF STIEWIG and DENISE STIEWIG
Plaintiffs,

v.

ALLSTATE VEHICLE AND PROPERTY
INSURANCE COMPANY
Defendant.

§
§
§
§
§
§
§
§

CAUSE NO. 5:21-CV-272

DEFENDANT’S NOTICE OF REMOVAL

Defendant Allstate Vehicle and Property Insurance Company hereby removes this lawsuit which is currently pending in District Court, 288th Judicial District, Bexar County, Texas, Cause No. 2021-CI-02809, to the United States District Court for the Western District of Texas, San Antonio Division, on the grounds of diversity of citizenship, and would respectfully show the Court as follows:

BACKGROUND

1. On February 11, 2021, Plaintiffs filed their Original Petition in which they allege causes of action stemming from Defendant’s handling of their insurance claim for storm damage to their home. *See* Exhibit A (Original Petition).

2. Defendant was served with the petition and process on March 2, 2021. *See* Exhibit B (Service of Process Transmittal).

3. Plaintiffs have pleaded for monetary relief in excess of \$250,000.00.

GROUND FOR REMOVAL

4. This Court has original jurisdiction of this suit based on 28 U.S.C. § 1332(a) because this suit involves a controversy between citizens of different states. Further, the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00.

A. Diversity.

5. Plaintiff Jeff Stiewig is a natural person who is a citizen of the State of Texas.

6. Plaintiff Denise Stiewig is a natural person who is a citizen of the State of Texas.

7. Defendant Allstate Vehicle and Property Insurance Company is a corporation formed under the laws of the State of Illinois, and its principal place of business is located in Cook County, Illinois. Thus, Defendant is considered a citizen of the State of Illinois.

B. Amount in Controversy

8. The party seeking federal jurisdiction must prove by a preponderance of the evidence that the amount in controversy exceeds \$75,000.00. *Grant v. Chevron Phillips Chem. Co. L.P.*, 309 F.3d 864, 868 (5th Cir. 2002). The removing party may satisfy its burden by either (1) demonstrating that it is “facially apparent” from the petition that the claim likely exceeds \$75,000.00, or (2) “by setting forth the facts in controversy—preferably in the removal petition, but sometimes by affidavit—that support a finding of the requisite amount.” *Allen v. R & H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1995).

9. Plaintiffs are seeking monetary relief in excess of \$250,000.00. Original Petition, p. 2. Thus, it is clear that the amount in controversy exceeds \$75,000.00.

REMOVAL IS PROCEDURALLY PROPER

10. This notice of removal is timely filed within 30 days of service of process of the state court petition on Defendant. *See* 28 U.S.C. § 1446(b)(1).

11. Venue is proper in this Court because this District and Division of this Court embraces Bexar County, Texas, the place where the state court action was filed. 28 U.S.C. §1441(a).

12. All pleadings, process, and orders served upon Defendant in the state court action are attached to this notice. 28 U.S.C. §1446(a). Defendant has also attached a copy of the state court docket sheet. See Exhibit C (state court docket sheet).

13. Defendant will promptly provide a true and correct copy of this Notice of Removal to Plaintiffs and to the County Clerk of Bexar County. 28 U.S.C. §1446(d).

PRAYER FOR RELIEF

14. Defendant prays that the Court accept jurisdiction over the state court action for the reasons set forth above, and grant Defendant any such other and further relief to which it may show itself justly entitled.

Respectfully submitted,

VALDEZ & TREVIÑO,
ATTORNEYS AT LAW, P.C.
Callaghan Tower
8023 Vantage Drive, Suite 700
San Antonio, Texas 78230
Phone: 210-598-8686
Fax: 210-598-8797

/s/ Joseph E. Cuellar

Robert E. Valdez

State Bar No. 20428100

revaldez@valdeztrevino.com

Joseph E. Cuellar

State Bar No. 24082879

jcuellar@valdeztrevino.com

Counsel for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that the foregoing instrument was served on the following counsel this
16th day of March 2021, pursuant to Rule 5 of the Federal Rules of Civil Procedure, via email:

John Hilary Barkley
BARKLEY LAW GROUP
336 North Main Street, Suite 206
Conroe, Texas 77301
Counsel for Plaintiffs

Email: john@barkleylawgroup.com

/s/ Joseph E. Cuellar

Joseph E. Cuellar